

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**YEUNG BING KWONG KENNETH, ET. AL.,**

Plaintiffs,

v.

**YEUNG CHI SHING HOLDING (DELAWARE),  
INC., ET AL.,**

Defendants.

Case No. 4:18-cv-07644-YGR

**ORDER DISMISSING CASE WITHOUT  
PREJUDICE**

Re: Dkt. No. 65

The Court issued an order granting defendants' motion to dismiss plaintiffs' second amended complaint. (Dkt. No. 65.) In the order, the Court held that Kenneth and the entity plaintiffs were inadequate representatives under Rule 23.1, and that, because the dismissed derivative claims provided federal question jurisdiction, the Court was left without subject-matter jurisdiction. (*Id.* at 17.) However, "in light of the gravity of the allegations in the second amended complaint, the Court [granted] leave to amend to allow plaintiffs an opportunity to substitute other appropriate representative individuals or entities unaffiliated or owned by Kenneth in place of Kenneth and the entity plaintiffs." (*Id.*) The Court provided that "[t]o the extent that an appropriate representative plaintiff is substituted into this matter, the third amended complaint shall be filed no later than February 21, 2020." (*Id.*) A "[f]ailure to do so will result in a *sua sponte* dismissal without prejudice effective February 24, 2020." (*Id.*) Plaintiff did not file a third amended complaint with the Court in this action.

Accordingly, and in light of the Court's prior order granting defendants' motion to dismiss, this matter is **DISMISSED WITHOUT PREJUDICE**. The Clerk of the Court is directed to close this case.

**IT IS SO ORDERED.**

Dated: February 28, 2020

  
**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT JUDGE**